

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LARAY UZOCHUKWU,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-11-243-HE
)	
SGT. ROODY, ET AL.,)	
)	
Defendants.)	

ORDER

Plaintiff Laray Uzochukwu, a prisoner appearing *pro se* and *in forma pauperis*, filed the present action pursuant to 42 U.S.C. § 1983 alleging the defendants, officials at Lawton Correctional Facility (“LCF”), violated his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell. At issue is defendants’ motion to dismiss or, in the alternative, for summary judgment. Judge Purcell has recommended that summary judgment be entered in favor of the defendants. Plaintiff filed a response to Judge Purcell’s Report and Recommendation summarizing his claims and seeking an appointment of counsel.


A prisoner challenging the conditions of his confinement under federal law must first exhaust all available administrative remedies. 42 U.S.C. § 1997e(a). The court agrees with Judge Purcell that the undisputed facts demonstrate plaintiff failed to exhaust available administrative remedies. *See generally* Doc. #18, Special Report. Plaintiff contends in his response that he exhausted all administrative remedies LCF allowed him. [Doc. #22, p. 2]. He does not, however, dispute that he did not *complete* the grievance and appeals process.

Nor does plaintiff explain how LCF prevented him from completing this process. Plaintiff's conclusory assertion that he exhausted all available administrative remedies is insufficient. Thus, summary judgment in defendants' favor is appropriate. Plaintiff's request for the appointment of counsel is denied.

The court **ADOPTS** Magistrate Judge Purcell's Report and Recommendation [Doc. #21] and **GRANTS** defendants' motion for summary judgment [Doc. #19]. This adjudicates all plaintiff's claims against all defendants and judgment will be entered contemporaneously with this order pursuant to Fed. R. Civ. P. 58(a).

IT IS SO ORDERED.

Dated this 23rd day of November, 2011.



JOE HEATON
UNITED STATES DISTRICT JUDGE